

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

T-MOBILE USA, INC.,)	
)	
Complainant,)	
)	
vs.)	Case No. TC-2006-0486
)	
BPS TELEPHONE COMPANY, CASS)	
COUNTY TELEPHONE COMPANY,)	
CITIZENS TELEPHONE COMPANY)	
OF HIGGENSVILLE, CRAW-KAN)	
TELEPHONE COOPERATIVE, INC.)	
FIDELITY TELEPHONE COMPANY)	
GRAND RIVER MUTUAL TELEPHONE)	
COMPANY, GREEN HILLS TELEPHONE)	
CORPORATION, HOLWAY TELEPHONE)	
COMPANY, IAMO TELEPHONE)	
COMPANY, KINGDOM TELEPHONE)	
COMPANY, KLM TELEPHONE)	
COMPANY, LATHROP TELEPHONE)	
COMPANY, MARK TWAIN RURAL)	
TELEPHONE COMPANY,)	
)	
Respondents.)	

AMENDMENT TO T-MOBILE COMPLAINT

T-Mobile USA, Inc. ("T-Mobile"), and pursuant to Commission Rule 4 C.S.R. 240-2.080(20), hereby amends its complaint as follows:

1. Paragraph five of the complaint should include the following sentences at the end of the paragraph. "The interconnection agreements were submitted to the Commission on June 22, 2006. Upon Commission approval of the interconnection agreements, T-Mobile will pay the agreed rates going forward. In addition, T-Mobile has been paying the RLECs at the FCC interim rates, and will pay true-up compensation back to May, 2005 to the extent the payments made based on the interim rates are less than the payments which would have been made under the cost-based rates in the interconnection agreements. For those separate rural companies that

were part of the arbitration in Case No. IO-2005-0468 *et al.* (Consolidated), T-Mobile is compensating those separate rural companies at the rates which the Commission approved in the interconnection agreements, and has paid compensation for the period prior to the effective date of those interconnection agreements. The disputes concerning past compensation with those separate rural companies have been resolved and T-Mobile has made all settlement payments.”

2. A new section should be added after paragraph 30 of the complaint which reads: **“V. The Commission’s Enhanced Record Exchange Rules Only Apply Prospectively.** The Commission’s ERE rules were effective July 30, 2005. The traffic at issue in this complaint (March 2001 through April 2005) predates the effective date of the rules. The general rule of construction in Missouri is that rules are deemed to operate prospectively only. See St. Louis Police Officers’ Association v. Sayad, 685 S.W.2d 913, 917 (Mo. App. 1984). By contrast, procedural rules operate retrospectively, unless a contrary intent is evidenced in the rule. Id. 4 C.S.R. 240-29.130 is not a procedural rule. It establishes a new right for certain carriers to request the blocking of traffic. Because the ERE rules are not procedural rules, they operate prospectively only and cannot apply to traffic at issue before the effective date of the ERE rules.”

WHEREFORE, T-Mobile amends its complaint as outlined above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been mailed electronically this 27th day of June, 2006, to:

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